

Entity Granted Authority	Source of Authority	Authority to condemn what?	Included as a public use ?
Not expressly stated	70-30-109	Temporary roads used for logging purposes or land used for banking grounds.	Yes. 70-30-102(42)
Not expressly stated		Public buildings and grounds for the use of a school district.	Yes. 70-30-102(3)
Not expressly stated		Public buildings and grounds for the use of a county.	Yes. 70-30-102(3)
Not expressly stated, with the exception of a water district, irrigation district, conservancy district, regional water authority, natural gas public utility, or public utility		Canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the inhabitants of a county.	Yes. 70-30-102(4)
Not expressly stated, but assumed to be enumerated by federal government, for example, interstate natural gas lines authorized by FERC		All public uses authorized by the government of the United States.	Yes. 70-30-102(1)
Not expressly stated, but may be addressed in grants to DNRC, regional resource authorities, and irrigation districts		Projects to raise the banks of streams, remove obstructions from streambanks, and widen, deepen or straighten stream channels.	Yes. 70-30-102(5)
Not expressly stated, but private roads may be addressed in grants to DOT, cities and towns and counties		Docks, piers, chutes, booms, bridges, planks, and turnpike roads.	Yes. 70-30-102(30)
Not expressly stated		Canals, ditches, flumes, aqueducts and pipes for supplying mines, mills, and smelters for the reduction of ores.	Yes. 70-30-102(31)
Not expressly stated		Canals, ditches, flumes, aqueducts and pipes for floating logs and lumber on streams that are not navigable.	Yes. 70-30-102(31)
Not expressly stated		Roads, tunnels, and dumping places for working mines, mills, or smelters for the reduction of ores.	Yes. 70-30-102(33)
Not expressly stated		Outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines, mills, and smelters for the reduction of ores.	Yes. 70-30-102(34)
Not expressly stated		An occupancy in common by the owners or the possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines, mills, or smelters for reduction of ores and sites for reservoirs necessary for collecting and storing water for the mines, mills, or smelters.	Yes. 70-30-102(35)
Not expressly stated		Telegraph lines.	Yes. 70-30-102(38)
Not expressly stated		Tramway lines.	Yes. 70-30-102(40)
Not expressly stated		Logging railways.	Yes. 70-30-102(41) F-6

Entity Granted Authority	Source of Authority	Authority to condemn what?	Included as a public use?
County water and/or sewer districts that are private, nonprofit water associations incorporated under the laws of this state	7-13-2218	Property from a water association and any type of property referred to in Title 7, chapter 13, part 22.	Yes. 70-30-102(39) and 70-30-102(4)
Cemetery corporations	35-20-104	Property for cemetery purposes.	Yes. 70-30-102(16)
Every person, firm, corporation, limited partnership, joint-stock association, or association that files its acceptance of the provisions of Title 69, chapter 14 with the Public Service Commission	69-13-104	Land, rights-of-way, easements, and property necessary for the construction, maintenance, or authorization of the entity's common carrier pipeline.	Yes. 70-30-102(20)
Any railroad corporation, whether chartered by or organized under the laws of Montana	69-14-513	Real property.	Yes. 70-30-102(30) and 70-30-102(1)
Any railroad corporation chartered by or organized under the laws of the United States	69-14-536	Real property when extending lines into Montana.	Yes. 70-30-102(30) and 70-30-102(1)
Owners of mining claims	82-2-221	Estates and rights in land for the purpose of open-pit mining of the ores, metals, or minerals owned by the miner. This does not include coal.	Yes. 70-30-102(44)
A natural gas public utility with a certificate from the Board of Oil and Gas	82-10-303, 82-10-304, and 82-10-305	An underground reservoir for its use for the underground storage of natural gas.	Yes. 70-30-102(43)
A person issued a certificate pursuant to Title 75, chapter 20	75-20-113 HB 198	Any interest in property for a public use authorized by law to construct a facility in accordance with the certificate.	Yes. 70-30-102(37)
Public utilities	69-3-113 HB 198	Any interest in property for a public use authorized by law to provide service to the customers of its regulated service.	Yes. 70-30-102(37)
Remaining Questions The state, municipalities with general powers, and cities or town councils have the power of eminent domain for all public use.			
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Not expressly stated	70-3-107	Private roads to residences or farms.	Yes. 70-30-102(36)

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Railway authorities	7-1-4-1625	Property for a public use, in the same manner as a county, except property owned by another authority or by a political subdivision or property owned by a railroad corporation unless the interstate commerce commission or another entity with the power to make the finding has found that the public convenience and necessity permit discontinuance of rail service on the property.	Yes. 70-30-102, if that power is granted to a county.
Parking commissions	7-1-4-4622	Any property, with city approval. An existing parking facility, after a public hearing. A commission cannot acquire a public entity's property without the entity's consent.	Yes. 70-30-102(10)
Housing authorities	7-1-5-4460 and 7-1-5-4462	Real property, including improvements and fixtures on the real property.	Yes. 70-30-102(13)
Political subdivisions where a property or nonconforming use is located or political subdivisions owning an airport or served by an airport	67-7-210	Air rights, aviation easements, or other estates or interests in property or nonconforming structures that are necessary.	Yes. 70-30-102(11)
Airport authorities	67-11-201 and 67-11-231	Property needed to plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities.	Yes. 70-30-102(11)
Regional water and wastewater authorities	75-6-313	Land and interests in land.	Yes. 70-30-102(21)
Irrigation district boards	85-7-1904	Land and rights in lands for rights-of-way, for reservoirs, for the storage of waters, and for dam sites and necessary appurtenances, and other lands and property that may be necessary for the construction, use, maintenance, repair, improvement, enlargement, and operation of any district or subdistrict system of irrigation works.	Yes. 70-30-102(28) and 70-30-102(32)
Conservancy districts	85-9-410	Property necessary for the purposes of the district. Water rights are not subject to taking but may be taken as an incident to the condemnation of land to which the water rights are appurtenant when the taking of the land is the principal purpose of the condemnation.	Yes. 70-30-102(29)
Private Entities			
Entity Granted Authority	Source of Authority	Authority to condemn what?	Included as a public use?
Ferry owners	7-1-4-2829	Lands necessary for the construction, erection, or use of a ferry that cannot be procured by agreement between the owner of the ferry and a landowner. (More likely to be a public entity.)	Yes. 70-30-102(30)
Rural electric and telephone cooperatives	35-18-106	Property for constructing or operating electric transmission and distribution lines or systems or telephone lines, facilities, or systems.	Yes. 70-30-102(37)

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Cities or towns	7-1-5-4204	Property for urban renewal projects, only if the property is determined to be a blighted area and is not acquired for the purpose of increasing government tax revenue.	Yes. 70-30-102(12)
Cities or town councils	7-1-6-4106	Lands for athletic fields and civic stadiums within or outside of the corporate limits of the municipality.	Yes. 70-30-102(15)
County, city, or town highway authorities	7-1-4-101	Private or public property and property rights for controlled-access highways or controlled-access facilities and service roads. The property rights may include rights of access, air, view, and light.	Yes. 70-30-102(7)
Counties, cities, and towns	67-10-102, 67-10-103, 67-10-201, and 67-10-205.	Property for the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, protection, and policing of airports and air navigation facilities, including the acquisition or elimination of airport hazards.	Yes. 70-30-102(11)
Cities, towns, and counties	76-5-1108	Private property within the limits of a project that may be necessary to provide an outlet for watercourses, either natural or artificial.	Yes. 70-30-102(25)
County Commissioners	7-1-4-2107	Right-of-way for county roads over private property.	Yes. 70-30-102(7)
County Commissioners	7-1-4-2123	Deposits or quarries of suitable road-building material.	Yes. 70-30-102(8)
County	7-1-4-2621	Road that is a stock lane.	Yes. 70-30-102(9)
County Commissioners	7-1-4-2803 and 7-1-4-2804	Public ferry or a wharf at any unfordable stream, lake, estuary, or bay.	Yes. 70-30-102(30)
County	7-1-6-2105	Lands suitable for public camping, public recreational purposes, civic centers, youth centers, museums, recreational centers, and any combination of the enumerated uses.	Yes. 70-30-102(14)
Political Subdivisions			
Entity Granted Authority	Source of Authority	Authority to condemn what?	Included as a public use?
Regional resource authorities	7-10-115	Any interest in property for a public use authorized by law. A regional resource authority may be created to provide for collaboration and coordination in the conservation of water resources or in the management of water resources for agricultural and recreational uses.	Yes. 70-30-102(2), 70-30-102(5), 70-30-102(31), and 70-30-102(32)
Cemetery districts	7-1-1-1021	Property for cemetery purposes.	Yes. 70-30-102(16)
Governing body of a consolidated local government water supply and/or sewer district	7-1-3-3041	A plant, franchise, or water supply.	Yes for sewer. 70-30-102(39). Water supply if governing body is a city or town pursuant to Title 7, chapter 13, part 44

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Department of Natural Resources and Conservation	85-1-204	Property necessary to appropriate and conserve water for the use of the people. The authority of the department extends and applies to rights to the natural flow of the water of this state.	Yes 70-30-102(27) and 70-30-102(32)
Department of Natural Resources and Conservation	85-1-209	Land, rights, water rights, easements, franchises, and other property considered necessary for the construction, operation, and maintenance of works. "Works" includes all property and rights, easements, and franchises relating to property and considered necessary or convenient for the operation of the works and all water rights acquired or exercised by the department in connection with those works.	Yes 70-30-102(28)
Local Government Entities			
Duty Granted Authority	Source of Authority	Authority to condemn what?	Included as a public use?
Municipalities with general powers	7-1-4124	Any interest in property for a public use.	Yes 70-30-102
Cities or town councils	7-5-4106	Private property for any public use.	Yes 70-30-102
Municipalities using revenue bonds	7-7-4404	Any undertaking and land or rights in land or water rights in connection with the undertaking. "Undertaking" includes water and sewer systems, including but not limited to supply and distribution systems, reservoirs, dams, and sewage treatment and disposal works. public airport construction and public airport building. convention facilities. public recreation facilities. streets and roads. public parking facilities, solid waste management systems, or other revenue-producing facilities and services authorized for cities and towns, and public transportation systems, including passenger buses, trolleys, passenger trains and lines, light rail trains and lines, and the facilities associated with those systems.	Yes 70-30-102(3), 70-30-102(4), 70-30-102(7), and 70-30-102(39). Public transportation systems are not specifically addressed, however, "roads, streets, and alleys" for public benefit are covered. "Revenue-producing facilities and services" may be limited to other specific enumerated uses.
Municipalities	7-15-4258 and 7-15-4259	Property related to urban renewal.	Yes 70-30-102(12)
Cities or towns	7-13-4404	A water supply desired by the city or town owned by a person or corporation, if the city or town cannot reach agreement with a person or persons, corporation, or corporations that has been granted the right to establish and maintain the water supply systems or valuable water rights.	Yes 70-30-102(6)
Cities or towns	7-13-4405	Water rights and property to make an adequate water supply available.	Yes 70-30-102(4) and 70-30-102(6)
Cities or town council	7-14-4501	Lots or lands for use as parking areas for motor vehicles. An existing parking facility after a public hearing.	Yes 70-30-102(10)
Cities or town councils	7-14-4801	Lots or lands for landing or parking aircraft, within or outside of the corporate limits of the municipality.	Yes 70-30-102(11)

Appendix F

Public Uses and Condemnation Authority in Montana			
Entity Granted Authority	Source of Authority	Authority to condemn what?	Included as a public use?
State Entities			
Montana	70-1-205	The state may acquire or authorize others to acquire title to property, real or personal for a public use.	Yes. 70-30-102
FWP with consent of Commission	23-1-102 and 87-1-209	Lands or structures for the preservation of historical or archaeological sites that are threatened with destruction or alteration.	Yes. 70-30-102(17)
Board of Veterans' Affairs	10-2-604	Property for a veterans' cemetery or place of burial of the dead.	Yes. 70-30-102(16)
Department of Public Health and Human Services	53-2-201	Real or personal property that is necessary to carry out its public assistance functions.	Yes. 70-30-102(18)
State Highway Authorities	60-5-104 and 60-4-111	Private or public property and property rights for controlled-access highways or controlled-access facilities and service roads. The property rights may include rights of access, air, view, and light.	Yes. 70-30-102(7). The facilities must benefit a county, city or town.
Department of Transportation	60-4-103	Lands or other property or interests in the lands or property that cannot be acquired at a price or cost that it considers reasonable.	Yes. 70-30-102(19)
Department of Transportation	75-15-123	Existing outdoor advertising and property rights pertaining to advertising that were lawfully in existence on June 24, 1971 and that are nonconforming.	Yes. 70-30-102(23)
Department of Transportation	75-15-223	Land or interest that may be necessary to provide adequate screening for junkyards, motor vehicle graveyards, motor vehicle wrecking facilities, garbage dumps, and sanitary landfills.	Yes. 70-30-102(24)
Department of Transportation	67-2-301	Real or personal property for the purpose of establishing and constructing airports, restricted landing areas, and other air navigation facilities.	Yes. 70-30-102(11)
Land Board	76-12-108	Interests in land for the purpose of designating natural areas, in specific instances authorized by the Legislature.	Yes. 70-30-102(26)
Department of Environmental Quality	75-10-720	Property to mitigate a release or threatened release of a hazardous or deleterious substance that has occurred and may present an imminent and substantial endangerment to the public health, safety, or welfare.	Yes. 70-30-102(22)
Department of Environmental Quality	82-4-239	Property damaged by strip-or-underground-mining of coal that was not adequately reclaimed in accordance with Title 82, chapter 4, part 2.	Yes. 70-30-102(45)
Board of Environmental Review	82-4-371	Property damaged by metal mining that was not adequately reclaimed in accordance with Title 82, chapter 4, part 3.	No, except as provided in 70-30-102(31)(c)
Board of Environmental Review	82-4-445	Property damaged by open-cut mining that was not adequately reclaimed in accordance with Title 82, chapter 4, part 4.	No, except as provided in 70-30-102(31)(c)(F-1)